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**FILED  
HARRISBURG**

FEB 16 2001

MARY E. D'ANDREA, CLERK  
Per.  DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HABEEB SALEEM,

Plaintiff

v.

MARTIN F. HORN, et al.,

Defendants

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Civil Action No. 1:CV-01-0181

Judge Caldwell

(Magistrate Judge Smyser)

**DEFENDANTS' OBJECTIONS TO MAGISTRATE JUDGE SMYSER'S  
REPORT AND RECOMMENDATION TO REMAND THIS MATTER TO THE  
COURT OF COMMON PLEAS OF ALLEGHENY COUNTY**

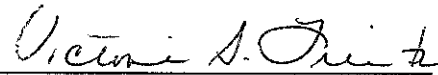
Defendants, by and through their attorney, Victoria S. Freimuth, Assistant Counsel, Pennsylvania Department of Corrections, in accordance with Local Rule of Court 72.3, hereby object to Magistrate Judge Smyser's Report and Recommendation dated February 6, 2001, in that Defendants' removal of this matter should be denied.

**REPORT OF MAGISTRATE:**

"Based on the foregoing, it is recommended that this case be remanded to the Court of Common Pleas of Allegheny County, Pennsylvania."

WHEREFORE, Defendants respectfully request that the Court, the reasons cited in the brief in support of these objections, grant the Defendants' removal of this matter to Federal Court.

Respectfully submitted:



Victoria S. Freimuth  
Assistant Counsel  
Attorney I.D. 77183

PA Department of Corrections  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444

Dated: February 16, 2001

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HABEEB SALEEM,

Plaintiff

V.

MARTIN F. HORN, et al.,

## Defendants

Civil Action No. 1:CV-01-0181

Judge Caldwell

(Magistrate Judge Smyser)

## CERTIFICATE OF SERVICE

I hereby certify that I am this day forwarding a true and correct copy of the foregoing Defendants' Objection to Magistrate Judge Smyser's Report and Recommendation to Remand this Matter to Court of Common Pleas of Allegheny County upon the person(s) in the manner indicated below:

Service by first-class mail  
Addressed as follows:

Habeeb Saleem, DE-2340  
SCI-Pittsburgh  
3001 Beaver Avenue  
P.O. Box 99901  
Pittsburgh, PA 15233

Alonda N. Bailey  
Clerk Typist 2

PA Department of Corrections  
55 Utley Drive  
Camp Hill, Pennsylvania 17011  
(717) 731-0444  
Dated: February 16, 2001